

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAVID CHAPMAN,

Plaintiff

v.

NEWPORT CIGARETTE CO., et al.,

Defendants

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5:06-CV-31 (WDO)

ORDER

Plaintiff filed this case alleging constitutional violations pursuant to 42 U.S.C. § 1983 claiming he was harmed by smoking Defendants' cigarettes. Defendants filed a motion to dismiss arguing Plaintiff failed to state a claim on which relief may be granted. Plaintiff did not respond to Defendants' motion. Because Defendants are not STATE ACTORS (meaning no act complained of by Plaintiff was taken pursuant to governmental authority), a suit against Defendants pursuant to § 1983 is improper and this case is dismissed. See Consumers of Ohio v. Brown & Williamson Tobacco Corp., 52 F.3d 325, 1995 WL 234620 (Table) (6th Cir. 1995).

SO ORDERED this 1st day of August, 2006.

**S/
WILBUR D. OWENS, JR.
UNITED STATES DISTRICT JUDGE**